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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

L.A. T SHIRT & PRINT, INC. d/b/a
RIOT SOCIETY, a California
corporation,

Plaintiff,

V.

UNYOPSA, an unknown business entity;
YUQING ZENG, an individual;
DALIANG ZHUANG, an individual;
and DOES 1 through 10, inclusive,

Defendants.

Case No.:

COMPLAINT FOR:

- ## **1. COPYRIGHT INFRINGEMENT**

2. MISREPRESENTATION

JURY TRIAL DEMANDED

1 Plaintiff L.A. T SHIRT & PRINT, INC. d/b/a RIOT SOCIETY, (“Plaintiff”)
 2 by and through its undersigned counsel, hereby complains against defendants
 3 UNYOPSA (“Unyopsa”), an unknown business entity, YUQING ZENG, a Chinese
 4 individual (“Zeng”); MIAOLIANG ZHUANG also known as DALIANG
 5 ZHUANG, a Chinese individual (“Zhuang”); and DOES 1 through 10, inclusive
 6 (collectively, “Defendants”), and alleges as follows:

7 **NATURE OF THE ACTION**

8 1. Plaintiff creates and obtains rights to unique two-dimensional non-
 9 functional artworks which are transacted primarily in and through the apparel
 10 industry. Plaintiff owns the designs in exclusivity and exploits the designs for
 11 profit by selling products bearing the designs or entering into licensing agreements
 12 with third parties for the sale or display of the designs. Defendants have knowingly
 13 and intentionally used one of the designs in the production and sale of unauthorized
 14 goods, without entering into a licensing agreement with Plaintiff, thereby
 15 infringing Plaintiff’s copyright registration with respect to the design.

16 **JURISDICTION AND VENUE**

17 2. This Court has original subject matter jurisdiction over Plaintiff’s
 18 federal claims arising under the Copyright Act of 1976, 17 U.S.C. § 101 *et seq.*,
 19 pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1338(b).

20 3. This Court has personal jurisdiction over the Defendants because the
 21 events or omissions giving rise to the claim occurred, the tortious acts occurred,
 22 and a substantial part of the injury took place and continues to take place, in this
 23 judicial district and/or each of the Defendants can be found in this judicial district.
 24 Additionally, Defendants have consented to personal jurisdiction in this judicial
 25 district.

26 4. Venue is proper in this Court pursuant to 28 U.S.C §§ 1391(b),
 27 1391(c), and 1400(a) because this is a judicial district in which a substantial part of
 28 the events giving rise to the claims occurred, in which the tortious acts occurred,

1 and in which a substantial part of the injury took place and continues to take place,
2 and because Defendants are subject to and have consented to this Court's personal
3 jurisdiction with respect to this action.

4 **THE PARTIES**

5 5. Plaintiff is a California corporation doing business as RIOT
6 SOCIETY with its principal place of business in Los Angeles, California.

7 6. Plaintiff is informed and believes, and thereon alleges, that Unyopsa
8 is a clothing brand that sells clothing through Amazon.com listed at:
9 <https://www.amazon.com/s?k=Unyops>.

10 7. Plaintiff is informed and believes, and thereon alleges, that Unyopsa
11 is a registered trademark of Zeng who is, and at all times relevant was, operating
12 Unyopsa from No. 11-2, Zengdian, Xiqian Village, Shanting Township, Xiuyu
13 District, Putian, Fujian Province, China 351152.

14 8. Plaintiff is informed and believes, and thereon alleges, that Zhuang is,
15 and at all times relevant was, operating Unyopsa from No. 191, Qianshan,
16 Zhuangcuo Village, Qianting Town, Zhangpu County, Zhangzhou City, Fujian
17 Province, China 363200.

18 9. Does 1 through 10 are individuals and/or entities whose true names
19 and capacities are presently unknown to Plaintiff. Plaintiff is informed and
20 believes, and thereon alleges, that at all times herein mentioned each of the
21 fictitiously named defendants was the agent, servant, and/or employee of his or her
22 co-defendants and, in doing the things herein mentioned, was acting within the
23 scope of his or her authority as such agent, servant, and/or employee, and with the
24 permission and consent of his or her co-defendants, and that each of said fictitiously
25 named defendants is, in some manner, liable or responsible to Plaintiff based upon
26 the facts hereinafter alleged and thereby proximately caused injuries and damages
27 to Plaintiff as more fully alleged herein. Accordingly, Plaintiff sues said defendants
28 by said fictitious names. At such time as said defendants' true names and capacities

1 become known to Plaintiff, Plaintiff will seek leave to amend this Complaint to
2 insert said true names and capacities of such individuals and/or entities.

3 10. Plaintiff is informed and believes, and thereon alleges, that at all
4 relevant times, there existed a unity of interest and ownership between each and
5 every Defendant such that any individuality or separateness between each and
6 every Defendants has ceased. Defendants are the alter egos of one another in that
7 Defendants carried on their activities and business together, with an agreement to
8 share in the profits and spoils of their fraudulent activities and business. Adherence
9 to the fiction of the separate existence between Defendants would permit an abuse
10 of the corporate privilege and would sanction fraud, promote injustice, and
11 otherwise aid in the commission of unlawful conduct. This is true because, as
12 Plaintiff is informed and believes, at all relevant times, Defendants were
13 commingling assets in a manner that allowed Defendants to utilize and freely
14 transfer those assets amongst themselves. The commingling of assets and unlawful
15 business conduct, as alleged more fully herein, by Defendants through one another
16 was intended to, among other things, allow Defendants to avoid liability to Plaintiff
17 for valid obligations.

FACTUAL ALLEGATIONS

19 11. Plaintiff is in the garment industry and regularly sells garments
20 bearing the designs. Plaintiff also regularly sells, licenses, or otherwise exploits the
21 designs to manufacturers, retailers, and other third parties.

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12. Plaintiff's original designs include the following (the "Design"):



13. Since at least as early as July 2018, Plaintiff has used, and continues
22 to use, the Design in commerce in connection with the sales of apparel, including,
23 but not limited to, hats, hoodies, jackets, long-sleeved shirts, t-shirts, and tank tops,
24 which have been offered and advertised for sale by Plaintiff via numerous outlets
25 including, but not limited to, Plaintiff's website and social media pages, as well as
26 the websites and social media pages of authorized third-party retailers.

27 14. In fact, Plaintiff owns United States Copyright Office (USCO)

1 Registration Number VA 2-187-805 for the Design with a date of first publication
2 of July 1, 2018, filing date of January 23, 2020, and registration date of January 28,
3 2020 (the “Registration”). A true and correct copy of the aforementioned
4 registration is attached hereto as Exhibit A.

5 15. In or about October 2021, Plaintiff discovered that Defendants were
6 offering for sale on Amazon.com (“Amazon”) apparel that, without authorization,
7 contains all or nearly all of the Design (the “Infringing Goods”). The image below
8 shows Plaintiff’s apparel with the Design (left) and Defendants’ apparel with the
9 Design (right):

10 Riot Society Flamingo Blossom
11 First listed on Amazon: 8/18/2018

12 Unyopsa "Japanese Aesthetic Hoodie Streetwear
13 Hoodies Tokyo Dragon Retro 80's Style Men's
14 Graphic Hoodie Sweatshirt"
15 Estimated Amazon listing date: 10/25/2021



23 16. In early May 2022, Plaintiff issued a Notice of Infringement pursuant
24 to the Digital Millennium Copyright Act (“DMCA”) to Amazon for products with
25 the following Amazon Serial Identification Numbers (“ASINs”): B09L53KN6M,
26 B09L52TCQ8, B09L52H38Q, B09L52R7RB, and B09L52P88Z. These ASINs
27 reference products sold at the following web addresses (the “Web Addresses”):
28

1 (i) <https://www.amazon.com/dp/B09L53KN6M/>; (ii)
2 <https://www.amazon.com/dp/B09L52TCQ8/>; (iii)
3 <https://www.amazon.com/dp/B09L52H38Q/>; (iv)
4 <https://www.amazon.com/dp/B09L52R7RB/>; (v)
5 <https://www.amazon.com/dp/B09L52P88Z/>. Collectively, these products are
6 referred to as the “Infringing Products.”

7 17. Plaintiff is informed and believes, and thereon alleges, that Amazon
8 disabled the Web Addresses and provided a copy of Plaintiff's May 2022 Notice
9 of Infringement to Unyopsa.

10 18. Plaintiff is informed and believes, and thereon alleges, that on May
11 14, 2022, Zhuang sent to Amazon a DMCA Counter-Notice on behalf of Unyopsa
12 stating, in pertinent part:

13 This letter is a Counter-Notification as authorized in
14 § 512(g) of the DMCA. I have a good faith belief that the
15 material identified in the Notice of Infringement was
16 removed or disabled as a result of mistake or
17 misidentification of the material to be removed or
18 disabled. I therefore request that the material be replaced
19 and/or no longer disabled. [(I)] I am located outside of the
20 United States and I consent to the jurisdiction of any
21 judicial district in which Amazon may be found. (II) I
22 agree to accept service of process from the person who
23 provided notification under subsection (c)(1)(C) or an
24 agent of such person....

25 19. Plaintiff is informed and believes, and thereon alleges, that Zhuang
26 knew that the statement “I have a good faith belief that the material identified in
27 the Notice of Infringement was removed or disabled as a result of mistake or
28 misidentification of the material to be removed or disabled” was false because

1 Plaintiff correctly identified its apparel bearing the Design, which was published
2 several years before Defendants' nearly identical work.

3 20. Plaintiff is informed and believes, and thereon alleges, that Zhuang
4 knew that Plaintiff had created and held all rights to the Design because Defendants
5 removed the RIOT SOCIETY mark from the bottom of the Design but used the
6 remainder of the Design on Defendants' apparel.

COUNT ONE:

COPYRIGHT INFRINGEMENT

(Against All Defendants)

10 21. Plaintiff repeats, reiterates and realleges each and every allegation
11 contained in Paragraphs 1 through 20, inclusive, as if fully set forth herein.

12 22. Plaintiff is informed and believes, and thereon alleges, that
13 Defendants infringed Plaintiff's copyright by creating directly infringing and/or
14 derivative works from the Design—namely, the Infringing Products—withou
15 t authorization from Plaintiff and by offering the Infringing Products for sale on
16 Amazon.

17 23. Plaintiff is informed and believes, and thereon alleges, that
18 Defendants created the Infringing Products despite being fully aware of Plaintiff's
19 superior rights to the Design. Plaintiff is also entitled to preliminary and permanent
20 injunctive relief.

21 24. As a result of Defendants' acts of infringement, Plaintiff has suffered
22 substantial damages to its business in an amount to be established at trial.

23 25. As a result of Defendants' acts of infringement, Plaintiff has suffered
24 general and special damages in an amount to be established at trial.

25 26. As a result of Defendants' acts of infringement, Defendants have
26 obtained direct and indirect profits Defendants would not otherwise have realized
27 but for Defendants' infringement of the Design. As such, Plaintiff is entitled to
28 disgorgement of Defendants' profits directly and indirectly attributable to

1 Defendants' infringement of the Design.

2 **COUNT TWO:**

3 **MISREPRESENTATION UNDER THE**
4 **DIGITAL MILLENIUM COPYRIGHT ACT**
5 **(Against All Defendants)**

6 27. Plaintiff repeats, realleges and incorporates herein by reference as
7 though fully set forth the allegations contained in Paragraphs 1 through 26,
8 inclusive.

9 28. Defendants made a qualifying misrepresentation by asserting in the
10 May 14, 2022 DMCA Counter-Notice that the “the material identified in the Notice
11 of Infringement was removed or disabled as a result of mistake or misidentification
12 of the material to be removed or disabled.” In fact, Plaintiff’s Notice of
13 Infringement correctly and precisely identified the Web Addresses as infringing.

14 29. Plaintiff is informed and believes, and thereon alleges, that
15 Defendants’ misrepresentation induced Amazon to investigate the DMCA
16 Counter-Notice and require that Plaintiff file the present lawsuit or the Web
17 Addresses would be restored.

18 30. Plaintiff is informed and believes, and thereon alleges, that
19 Defendants acted knowingly and egregiously by making this misrepresentation in
20 the DMCA Counter-Notice while knowing that the Infringing Products contained
21 all or nearly all of the Design without authorization from Plaintiff.

22 31. As a result of Defendants’ misrepresentation, Plaintiff has suffered
23 damages including, but not limited to, the costs of prosecuting this action. These
24 damages and attorneys’ fees are recoverable under the DMCA.

25 **PRAYER FOR RELIEF**

26 **WHEREFORE**, Plaintiff respectfully demands the following relief against
27 the Defendants with respect to each claim for relief:

28 With respect to all Defendants, and each of them, as to Counts One and Two:

- 1 1. That the Court enjoin Defendants from committing further violations
2 of the Copyright Act related to the Design including enjoining sale of
3 Defendant's Infringing Products for sale at the Web Addresses.
- 4 2. That Plaintiff be awarded all profits reaped by Defendants and all
5 losses incurred by Plaintiff as a result of Defendants' sale of the
6 Infringing Products, the exact sum to be proven at the time of trial,
- 7 3. Pre-judgment and post-judgment interest;
- 8 4. Costs of suit incurred herein, including attorney's fees and costs; and
- 9 5. For such other and further relief as the Court may deem just and
10 proper.

11 Dated: May 23, 2022

NOVIAN & NOVIAN LLP

13 By: /s/ Farhad Novian
14 FARHAD NOVIAN, State Bar No. 118129
15 MICHAEL O'BRIEN, State Bar No. 277244

16 Attorneys for Plaintiff L.A. T SHIRT & PRINT,
17 INC. d/b/a RIOT SOCIETY, a California
18 corporation

1 **DEMAND FOR JURY TRIAL**

2 A jury trial is demanded pursuant to Fed. R. Civ. P. 38.

3
4 Dated: May 23, 2022

NOVIAN & NOVIAN LLP

5 By: /s/ Farhad Novian

6 FARHAD NOVIAN, State Bar No. 118129

7 MICHAEL O'BRIEN, State Bar No. 277244

8 Attorneys for Plaintiff L.A. T SHIRT & PRINT,
9 INC. d/b/a RIOT SOCIETY, a California
corporation